

SPEECH

OF

HON. ALBERT CONSTABLE,

OF MARYLAND,

ON

THE BILL MAKING APPROPRIATIONS FOR

HARBORS AND RIVERS.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, WEDNESDAY, MARCH 11, 1846.

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SPEECH

HON. ALBERT GONZALEZ



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## HARBORS AND RIVERS.

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The House being in Committee of the Whole on the state of the Union, on the Bill for making appropriations for Harbors and Rivers, with a view to greater safety and facility of the Maritime Commerce of the country—

Mr. CONSTABLE addressed the committee as follows:

Mr. CHAIRMAN: I regret at this late period of the debate to trouble the committee with any remarks on the bill under consideration; and especially do I distrust the attempt to follow in reply the able and eloquent gentleman from Alabama, [Mr. YANCEY,] who last occupied the attention of the committee. Indeed, sir, when I first took a seat in this House, I sincerely hoped that nothing would occur, at least during the present session, rendering it necessary for me to depart from the purpose then formed of remaining a silent member, sanctioned, as that resolution was, by the example of the distinguished gentlemen who have successively represented my district in the House of Representatives for the last quarter of a century.

But, Mr. Chairman, the subject before the committee is one involving interests of such magnitude—connecting itself so vitally and essentially with the whole maritime commerce of the country, part of which floats on the head waters of the Chesapeake bay and its tributary rivers, within the district I have the honor to represent, that a failure to make some effort to vindicate these great interests would justly subject me to the imputation of a dereliction of duty. Urged by such considerations, and a desire to do justice to the commercial wants of those whom I represent on this floor, it becomes my duty to give notice of my intention to offer at a proper time—when in order—the amendment which I hold in my hand.

*“That the sum of \$20,000 be, and is hereby, appropriated for the improvement of the harbor of HAVRE DE GRACE, Maryland.”*

It is not my purpose, sir, to participate in the general range of discussion to which this bill has given rise; but to confine myself more particularly to the subject of the amendment I have indicated, and an examination of the constitutional power of

Congress to make appropriations for the improvement of our harbors.

Of the *expediency* of the particular appropriations contained in this bill, I do not propose to speak. They are matters of detail in regard to which I shall rely, in the absence of other information, upon the able Committee on Commerce, who have faithfully examined and reported them to the House, in connexion with the clear and satisfactory exposition made by their distinguished chairman, [Mr. McCLELLAND.] And as to the invidious contrasts drawn between different sections of the Union, showing the relative advantages they will derive under the provisions of this bill, and the alleged inequalities operated by the system, denounced as amounting to injustice by the gentleman from New York, [Mr. GORDON,] and by the gentleman from Georgia, [Mr. COBB,] characterized on yesterday as “public plunder,” I shall only make a passing remark, because they are considerations looking to the expediency of the system, and not affecting the great principle involved.

Sir, this Government can exert scarcely any one of its most ordinary functions—none, indeed, authorizing an expenditure of the public money—without producing such inequalities in a greater or less degree. It cannot be, in the nature of things, that the Government can be so administered as to confer precisely the same advantages in its expenditures upon every citizen or every section of the country. Each citizen can no more share the direct benefits of national expenditures required at places remote from his home and property, than he can the emoluments of any public office in this city. The counterpoise must be found in other expenditures which the wants of the country may require in their respective sections, or in the increased resources, prosperity, and power of the Union, of which they are citizens.

As to excesses, so much apprehended and deprecated by honorable gentlemen, to which the exercise of the power to make these appropriations may lead, the same may be predicated of any other subject of appropriation within our constitutional competency. This bill, sir, like all others reported to the House, is subject to the action of a majority



of Congress, possessing all the light that can be obtained, and acting under the influence of elevated and patriotic motives. If these do not constitute a sufficient guaranty that the power will not be abused, I ask honorable members what security there is, or can there be, that we shall not prostitute every power intrusted to us by the Constitution.

Mr. Chairman, that particular districts of the Union may receive more benefit—that a greater amount may be appropriated by this bill *north* of Mason and Dixon's line, as pointed out a few days since by the honorable gentleman from Alabama, [Mr. PAYNE,] and less *south* of that line, does not vary, in my apprehension, the aspect of the question. I look, sir, at all these as great national wants, growing out of the extended and prosperous maritime commerce of the country, and as such, I care not where the expenditures may be required: whether on the Atlantic seaboard, the Gulf coast, along our great lakes, or upon the navigable rivers that penetrate the interior of the country, is to me wholly immaterial. Why, sir, without such enlarged and liberal views, how can this great country ever attain the high and commanding destiny which awaits her? What disasters may not befall us if we cherish those sectional feelings, which do not and will not look beyond our own district, State, or quarter of the Union, in voting appropriations.

Sir, should this Government unhappily become involved in a war, necessary for the maintenance of its just rights, or in vindication of the national honor, it would be as unreasonable and unjustifiable to refuse to vote larger supplies for the military and naval protection required by the exposed situation of Maryland, than for one of the interior western States, comparatively invulnerable from her position, as are any objections to the appropriations of this bill, founded on geographical lines. In a word, sir, the commerce of the *LAKEs* requires *harbors*, and the commerce of the Atlantic, that its harbors shall be *fortified*; the *agriculturists* of the Great West want a *safe navigation*, upon which their immense productions may float to the Atlantic cities, while the *merchants* who purchase and ship those productions, want a *naval squadron* to convey them across the ocean, or protect them in distant seas. These, then, are some of the wants of the country demanding expenditures at points distant from each other, and in different sections of the Union, and may suffice to illustrate the fallacy of all the objections to these appropriations founded on the supposed inequalities of the system.

Mr. Chairman, it has been said that all the appropriations contained in the bill under consideration, with the exception of that for the Portland and Louisville canal, have been recommended by the War Department, while the amendment which I desire to have ingrafted upon it has no official sanction. In answer to this, I beg leave to state, for the information of the committee, that as early as 1836, this subject was brought to the attention of Congress by resolutions adopted by the Legislature of Maryland. By the order of this House, a survey was made of the harbor of Havre de Grace, and a sufficient sum appropriated to defray the expense; in obedience to a call of this House, made in 1837, the report of that survey was communi-

cated by Mr. Butler, *ad interim* Secretary of War, was ordered to be printed, and referred to the Committee on Commerce; in 1838 this document was reprinted by order of the House, with the chart that accompanied it. I have now in my hand one of these documents, with the chart, and make this statement from the record. From 1838, this subject laid over until the last Congress, when the sum of \$20,000, now proposed by my amendment for the improvement of the harbor of Havre de Grace, was included in the general appropriations for harbors, which passed both Houses, and was vetoed by the Executive. I ask, sir, that the clerk may read a part of the report of this survey, made by an able officer of the Topographical Bureau, Captain Hughes.

The Clerk having read it, Mr. CONSTABLE continued:

I hazard nothing, Mr. Chairman, in affirming that there is no harbor in the country in which the tides ebb and flood, that has so extensive or so important an internal canal communication as that of HAVRE DE GRACE. This harbor is the terminus of the Susquehanna and tide-water canal, which connects with the Pennsylvania works at the town of Columbia; thence continuous lines of canals extend up both the north and west branches of the Susquehanna, near the line of New York: thus affording to all northern Pennsylvania, a large portion of New York bordering upon that river, to its highest northern fountains and springs, and to the whole intermediate country, with its boundless forests of valuable pine timber, inexhaustible mines of rich ores and coal, and extensive agricultural regions of unsurpassed fertility, an outlet to the Chesapeake Bay. From these canals, at the junction of the river Juniata with the Susquehanna, another canal diverges, which reaches up the Juniata to the base of the Alleghanies, where the Portage railroad across the mountains connects with the western division of the Pennsylvania canals, extending to the Ohio river at Pittsburg, thence connecting with Erie and the great frontier lakes. Thus, sir, these various lines of canal navigation stretch through all northern and western Pennsylvania, drain a considerable part of New York, and, tapping the Ohio, offer a direct and cheap channel of communication with the Atlantic cities; furnishing a route from the great valley of the West, which is open several weeks earlier in the spring and later in the fall than the northern one by the Erie canal and lakes; some two hundred miles less in distance, and incalculably safer than the trip down the river to New Orleans, or by the lakes around to New York. And, Mr. Chairman, I beg leave to say to honorable members, who represent on this floor the States of Ohio, Indiana, Illinois, Kentucky, and as far south as Tennessee, that many of their constituents already avail themselves of this outlet to the markets of the seaboard, although it has only been completed a few years, and cannot be generally known to those who are so remote from it. I hold in my hand a list, made soon after the opening of the canal to Havre de Grace, which shows the great extent and importance of the trade arriving at the harbor I ask the Government to improve. The following are the principal articles arriving there for transshipment coastwise, viz: iron, coal, lum-



ber, timber, wool, cotton, hemp, tobacco, lead, leather, domestic spirits, bark rough and ground, slate, bacon, lard, tallow, cheese, butter, pot and pearl ashes, plaster, lime, flour, wheat, corn, rye, clover and other grass seeds, &c., &c., of the aggregate value of near ten millions of dollars, besides the *ascending* trade, which is also very considerable.

But, Mr. Chairman, the Government has interests connected with the improvement of this harbor. It procures there large supplies of lumber, timber, and granite stone. Its extensive fortifications in Virginia were built chiefly of stone taken from the hills above and adjacent to PORT DEPOSITE; so were those in the Delaware, and at some points along the southern coast; and at this very time the Government has entered into large contracts, now in the course of execution, for the delivery of stone from those quarries for the completion of its works in Virginia, and for the sea-wall at St. Augustine, in Florida. At Havre de Grace, also, the important articles of coal and iron, of which the Government is so large a consumer, can be had in great abundance, and on terms as favorable, perhaps more so, than at any other point on tide-water. It is indeed confidently affirmed that, when the short line of railroad, now constructing from the Lykens Valley Coal Mines, represented as nearer the Atlantic than any others in the Union, shall be completed to the Susquehanna, coal adapted to the use of our war-steamers will be delivered at the harbor of Havre de Grace for \$2 30 per ton—being less, I believe, than two-thirds of the price now paid by the Government.

If, then, Mr. Chairman, we consult the interests of the Government in this respect, identified with those of the immense regions of the interior, fertile and productive in their agriculture, rich, abundant, and exhaustless in their mineral treasures, which this extensive canal communication opens to this harbor, I cannot perceive what reasonable objection exists, looking to the expediency of the matter, against appropriating the small sum desired for its improvement. When the bar at the mouth of this harbor is once crossed there is ample depth of water within to float any safe sea-vessel; but owing to the obstructions at its entrance, those who ship from Havre de Grace are compelled to employ vessels that are not safe beyond the capes of the Chesapeake; thereby being subjected to the expense of heavy additional premium for insurance, or obliged to undergo the serious inconvenience and delay, as well as incur the increased expense, of receiving and discharging cargo of a larger class of safe sea-vessels outside the bar, by means of lighters. I therefore trust, sir, that the committee will express their concurrence in the propriety and necessity of the appropriation asked for the harbor of Havre de Grace, by adopting the amendment I shall offer.

But, Mr. Chairman, the question may and has been propounded, why, if this harbor is so important from the extent of its commerce, was not an appropriation for its improvement included in the bill reported by the committee? I will explain, sir. Early in the session this subject was brought to the notice of the House by the presentation of resolutions of the Legislature of Maryland, which were referred to the Committee on Commerce. The harbor to which these resolutions related be-

ing within the district that I represent, and my constituents, in common with the people of the State generally, feeling a deep interest in this subject, I inquired of a member of the committee what action had been taken upon it, and was informed that it had been passed over to the honorable gentleman from Kentucky, [Mr. TIBBATS.] From an interview with that honorable gentleman, I believed he was satisfied that the improvement we desired was proper as a national object, and hence I supposed it would be embraced in the bill from the committee. And, sir, I was not aware of the reason why it was not included, until I read, a few days ago, the speech of the chairman of the committee, [Mr. McCLELLAND,] in which he stated that the committee had allotted the subject of *river* improvements to the gentleman from Kentucky, [Mr. TIBBATS,] while the appropriations asked for *harbors* had been confided to others. This at once satisfied me that the committee had mistaken the object for which the appropriation was asked, by classing it with applications for the improvement of *rivers* instead of *harbors*, to which it properly belonged.

[Mr. TIBBATS here explained, that the committee had been led into the error by the bill passed at the last session, which described this as an improvement of the Susquehanna river.]

Mr. CONSTABLE, after stating that he had never seen the bill of the last session, continued. As soon, sir, as I discovered this mistake, I took steps to bring the subject again to the consideration of the committee; and, from indications of their opinion since then, I believe that I may venture to state, that, if the matter had been properly understood by them before this bill was reported to the House, an appropriation for the harbor of Havre de Grace would have been included. That a separate bill for it could now be obtained, I do not doubt; but, sir, it is not desirable. I want no bill with an isolated object, which could never attract sufficient attention to secure an examination of its merits, and, as a consequence, could never command sufficient strength to be taken up in Committee of the Whole on the state of the Union.

Mr. Chairman, if the object pointed out by the resolutions of the Legislature of Maryland, repeatedly adopted and pressed upon the attention of Congress, and, as I have understood, by resolutions of the Legislature of Pennsylvania also—I know anxiously desired by all western Pennsylvania—was not enlarged, general, and national, I would not support it. Nay, sir, if it approximated so near the divisional line which separates what is *national* from that which is *local*, as to render it difficult to distinguish to which class of works it belonged, I would not sustain it; believing, as I do, that it is preferable upon a question of power to err on the safe side, if error is unavoidable, and that a reasonable doubt as to the existence of a contested power should be regarded as conclusive against its exercise. Standing, then, upon such grounds, I do not believe, with the honorable gentleman from South Carolina, [Mr. RHETT,] that I shall witness in the triumph of this measure, “the murder of any great principle of the Republican party,” much less become an “accessory” in its “perpetration.” Sir, what great principle of that party did the honorable gentleman



allude to? Where is the article of faith which this bill violates to be found in the creed of the Republican party? I am no latitudinarian in any construction of the Federal Constitution—no disciple of the Hamiltonian school, as my honorable friend from Georgia [Mr. COBB] yesterday charged upon those who advocate this measure. On the contrary, I will go as far as any member upon this floor in maintaining the reserved rights of the States; but I must first be convinced that they are rights never surrendered by the States; for I hold that the duty is alike imperative to uphold the just authority of the Federal Government, as to abstain from encroachment upon the powers of the States.

Mr. Chairman, the authority to make appropriations for the improvement of our harbors and rivers, in which the maritime commerce of the country is carried on, has received the sanction of every Executive, from the organization of the Government down to the Administration of John Tyler, when a bill of this description was vetoed for the first time in the whole history of the action of the Executive department. The vetoes of Mr. Madison and Mr. Monroe were upon measures in principle essentially different from this; and as to the authority of Mr. Tyler, I care nothing about it; let him wear the faded, withered, and drooping wreath of his last veto, referred to on yesterday by the gentleman from Alabama, [Mr. YANCEY,] as one that decked his brow. Sir, I prefer to stand on the high authority of the illustrious statesman who first administered the Government, and who signed bills not distinguishable in principle from this, in the presence of the first Congress that assembled under the Constitution.

Mr. YANCEY: Will the gentleman from Maryland adopt the authority of General Jackson?

Mr. CONSTABLE. Yes, sir; it is here at hand—in this book. I will adopt the authority of General Jackson, although he was represented on yesterday, and by that honorable gentleman, as having put down this system when it was a giant, full of sinew, strength, and blood. What, sir, did General Jackson say in his annual message to Congress at December session, 1834, long after the vetoes alluded to by the honorable gentleman? I read a subsequent part of the same message cited and read by the Clerk at the request of the gentleman from Georgia, [Mr. COBB,] and which he used in his argument against the expediency of making these appropriations. Speaking of appropriations for objects such as this bill provides, General Jackson says:

“There is another class of appropriations for what may be called, without impropriety, internal improvements, which have always been regarded as standing upon different grounds from those to which I have referred. I allude to such as have for their object the improvement of our harbors, the removal of partial and temporary obstructions in our navigable rivers, and the security and facility of our foreign commerce. \* \* \* As a natural consequence of the increase and extension of our foreign commerce, ports of entry and delivery have been multiplied and established, not only upon our seaboard, but in the interior of the country, upon our lakes and navigable rivers. The convenience and safety of this com-

merce have led to the gradual extension of these expenditures; to the erection of light-houses, the placing, planting, and sinking of buoys, beacons, and piers, and to the removal of partial and temporary obstructions in our navigable rivers, and in the harbors upon our great lakes, as well as on the seaboard. Although I have expressed to Congress my apprehensions that these expenditures have sometimes been extravagant, and disproportionate to the advantages to be derived from them, I have not felt it my duty to refuse my assent to bills containing them, and have contented myself to follow, in this respect, in the footsteps of all my predecessors.”

Here, then, Mr. Chairman, we find General Jackson asserting the very power, and specifying the identical objects of the appropriations made by this bill—“the improvement of our harbors, and the removal of partial and temporary obstructions in our navigable rivers, for the security and facility of foreign commerce”—a power not only to *protect*, but to *facilitate* commerce, and as such, exercisable for its *convenience* as well as its *safety*. And in succeeding pages of this Message, he lays down the rule that these appropriations should be confined to the removal of obstructions below *ports of entry*. This rule, sir, the honorable gentleman from Alabama [Mr. YANCEY] told us on yesterday that he was willing to adopt; but he took the precaution to annex a qualification, which is not to be found in the rule itself, as laid down by General Jackson—a condition or limitation which, if ingrafted upon it, would imply a want of information wholly inexcusable on the part of that great HERO AND STATESMAN. The gentleman insisted that General Jackson meant ports of entry in which the proud ships that brought the cargo across the ocean might enter, and not those established where an Indian canoe would scarcely float. Sir, was not General Jackson aware, at the time that he prescribed the rule, that ports of entry had been established far in the interior, where the shipping engaged in our foreign commerce never entered, and could not float? Did he not know that Pittsburg, two thousand miles distant from the seaboard, was a port of entry? What does he tell us in the part of the Message just read? “As a natural consequence of the increase and extension of our foreign commerce, ports of entry and delivery have been multiplied and established, not only on the seaboard, but in the interior of the country.” He knew, then, that ports of entry had been established in the interior, and yet makes no discrimination in the application of the rule between any of them, whether found in the interior or on the seaboard. If, sir, General Jackson had intended what the honorable gentleman from Alabama supposes, why did he not make the rule exclusively applicable to ports of entry on the seaboard? Why, at the very moment that his attention was engrossed by the whole subject, and when he was fashioning a rule to govern his future conduct, and especially when he mentioned the multiplication of these ports, did he not designate to which the rule should apply, if not intended to be general? No reason can be assigned. It is therefore manifest that General Jackson did not design to limit the rule to those ports of entry only in which cargoes were discharged from the gallant vessels that floated them



over the billows of the Atlantic. And, sir, while General Jackson affirms that these expenditures have sometimes been extravagant, so far from interposing any constitutional check to the exercise of the power by Congress to make such appropriations, he expressly tells us that he felt it his duty to "assent to the bills containing them," and to "follow in this respect in the footsteps of all his predecessors." This power, then, was sanctioned by every Chief Magistrate of the country who preceded him, as well as by the profound and distinguished statesman (Mr. Van Buren) who succeeded him; and yet, honorable gentlemen assume to denounce it as a departure from the old landmarks of the Republican party!

Mr. Chairman, the whole area of power covered by this bill, so far as I shall support it, was marked out by Jefferson and Madison, and their illustrious compeers, who laid the deep and enduring foundations of the Republican party; and while we walk in the light reflected on our path by such great names, the gentleman from South Carolina [Mr. RHETT] will not follow "to its last home" the "hearse" of any great principle of that party. Nor do I, Mr. Chairman, share any of the apprehensions expressed by the gentleman, that this system will operate an "overthrow of the Constitution." No, sir; that honorable gentleman, with all his gloomy forebodings, will never bend as "mourner" over a sepulchre for the Constitution made by this system. Far otherwise, sir. That cherished record of the wisdom of the sages who formed it was intended for the attainment of the great practical ends of a free representative Government; and, as such, surviving the last annunciation of the doctrines of the gentleman from South Carolina, [Mr. RHETT,] which renders it useless for the highest national purposes, will remain the firm, enduring, and bright arch of the Union, mirroring, from generation to generation, not only independence, and honor, and renown, but a more intense and glowing devotion to it in every part of the Republic, for the prosperity in peace, and power in war, conferred by the system of which this bill is part.

Why, Mr. Chairman, so different are my views of this measure, that, if I had any strong desire to live in the history of my country, and the grateful recollections of those who are to succeed us, and was now called upon to select from among the various subjects before Congress, one upon which I would prefer to rest a claim to that distinction, next to OREGON, every square acre of it, no matter in what latitude it may be found—next after planting and unfurling our starry banner all over Oregon, I would point to the subject of this bill, based in principle, as I believe it is, on the clearest manifestations of power to be found in the Constitution, and in its results shedding abroad over the whole surface of the Union, upon land, and lake, and inland sea, the cheering influences of a general, progressive, and permanent prosperity.

I therefore, submit, sir, that, so far as the authority of precedents, both Legislative and Executive, may weigh, they all, with a single exception, affirm the power to make these appropriations; especially in harbors like that of Havre de Grace, from which maritime commerce among the several States is carried on; over which your admiralty jurisdiction extends; where the Government grants license, col-

lects revenue, and has erected and keeps up a light house to facilitate approach to the harbor.

Mr. Chairman, before entering into the argument as to the constitutional power of Congress over this subject, I must beg leave to premise that I do not intend to rely upon any of those grants in the Constitution cited by the honorable gentlemen who have preceded me, which confer power "to declare war;" "to raise and support armies;" "to exercise exclusive authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings," or to "provide for the common defence and general welfare." I do not regard the power, as expressed in any of these clauses, or resulting from any power which they delegate by necessary implication; unless, indeed, we adopt the loose and licentious latitude of exposition for the last of them; which has so often and so justly been rebuked. Sir, I shall claim the power to make these appropriations under no general, roaming, vagrant grant of the Constitution. Nor shall I adopt either of the concessions of my friends from Alabama, [Mr. PAYNE and Mr. YANCEY,] both of whom admit the power as to those harbors entered by the public vessels; the *former*, as incident to the authority to protect the public property, and the *latter*, under the clause to "provide and maintain a navy." And I shall not claim it, sir, as *incidental* to any express power, and thus can have no objection to the gentleman's [Mr. YANCEY's] dislike to the word "*incidental*;" but I mean to rely entirely on a clause of the Constitution upon the face of which this power is written in the most legible characters—that clause which gives what may appropriately be termed the **COMMERCIAL POWER**. It is the *third clause, eighth section, first article* of the Constitution, which says, Congress shall have power, "TO REGULATE COMMERCE WITH FOREIGN NATIONS, AND AMONG THE SEVERAL STATES, and with the Indian tribes."

Here, then, I answer the inquiry of my honorable friend from Georgia, [Mr. COBB,] is the "beginning and termination" of the power; and I say to him, as well as to the honorable gentleman from Tennessee, [Mr. JONES,] that this is the "standard," and not the individual opinions of members who may erect others independent of the Constitution. It is a fixed and permanent "standard," distinctly and clearly enunciated by the Constitution itself.

But, Mr. Chairman, the honorable gentleman from Alabama [Mr. YANCEY] referred us on yesterday to the forty-second article of the Federalist, written by Mr. Madison. He read the first paragraph of that article, in which Mr. Madison says:

"The *second class* of powers lodged in the General Government consists of those which regulate 'the intercourse with foreign nations—to wit, to 'make treaties; to send and receive Ambassadors, 'other public ministers, and consuls; to define and 'punish piracies and felonies committed on the 'high seas, and offences against the laws of nations; to regulate commerce,' &c.

Mr. CONSTABLE was then proceeding to show that each of these powers was given under separate clauses of the Constitution; that some of them were *judicial*, others *executive*; and that they were



not classed by Mr. Madison with any view to an exposition of the legislative power to regulate commerce; and was reading that part of the same article in which the author disclaimed the intention to treat of or define the terms conveying the power to regulate commerce; when

Mr. YANCEY arose, and supposing his argument misunderstood, asked how the gentleman [Mr. CONSTABLE] derived the power to improve the harbor of Havre de Grace, under the power to regulate foreign commerce?

Mr. CONSTABLE. I have probably misapprehended the course of this part of the argument of the gentleman, [Mr. YANCEY,] as I was absent from the House for a short time, and did not hear the whole of what he said on this point. The question that he now puts shall be answered in a subsequent part of my remarks.

He then commented upon other portions of the article in the Federalist, read by the gentleman from Alabama, [Mr. YANCEY,] in relation to the *third* class of powers, which includes that to regulate commerce "among the several States."

Mr. Chairman, it is true that Mr. Madison, in this article, states it to have been "a very material object of this power to relieve the States which import and export through other States, from the improper contributions levied on them by the latter;" but he nowhere affirms, either in this article or any other written by him, that this was the only object. If it had been, why not employ appropriate terms to convey that meaning? The great precision and perspicuity which characterize all his writings would not have been wanting in this sentence, if he had intended to designate the only object of the power to regulate commerce among the several States. And, sir, his language is not susceptible of such an interpretation. The phrase, "a very material object," implies that there were other objects; it is synonymous with the expression, "one of the material objects."

That the object stated by Mr. Madison was one of great importance is not denied; but I insist that there were others, scarcely secondary to it, and which were as distinctly indicated by the wants, necessities, and action of the separate States, before the adoption of the present Constitution. But of these I shall speak presently.

Let us, then, Mr. Chairman, turn to the words of the grant, and endeavor to ascertain what power they convey. They are "*to regulate commerce with foreign nations and among the several States, and with the Indian tribes.*"

What, then, sir, is the true meaning of the term *to regulate*," as found in this clause of the Constitution? That, literally and strictly, it signifies to prescribe rules *in restraint*, may be admitted, not, however, in this connexion. That such is not the universal or even general import of the phrase, must be apparent from the fact that every regulation is not necessarily *in restraint*. You may *regulate* the disordered condition of the country, its army, navy, or its finances, not only by *restraining* some things, but by *doing* others. Why not, therefore, its commerce?

Again, sir, the extent of a power, either general or special, cannot always be ascertained from the words employed to convey it; the intention of the parties, and the nature of the subject upon which

it is to act, often afford higher and more certain evidence of its legitimate scope and character, sometimes restraining general terms, at others enlarging particular ones; and without the aid of such a rule of construction, it would be utterly impossible, in many cases, to execute powers in such a manner as to accomplish the most obvious and palpable purposes of those who confer them.

Then, sir, apply this rule in the present case, and what doubt can exist that the words conferring upon Congress the commercial power enable us to make these appropriations? This power is conveyed in the general phrase "to regulate," and as an authority "to regulate," must necessarily be co-extensive with, and pervade the whole subject-matter to be regulated. What, sir, is that? The maritime commerce of the country, prosecuted among the several States and with foreign nations. It is the entire power of regulation, as connected with this whole commerce, whether relating to imposts, tonnage, enrolment, marking its channel, and lighting its track over the waves, or removing the dangers beneath them, often more alarming than the surging billow and the howling storm. I therefore insist, sir, that the power of regulation, from its absolute and entire character, as well as its enlarged theatre of action, must have been designed to confer upon Congress the authority to do whatever they should believe indispensable or reasonably necessary for the exigencies of this commerce.

Mr. Chairman, if I am not right in this view, and the power is not vested in the General Government, then I submit that there is no authority in either the States or General Government to make any improvement affording additional security or facility to our maritime commerce with foreign nations or among the several States. That the States are inhibited the exercise of all power over or in relation to the commerce of the country with foreign nations or among themselves, seems to me clear upon the face of the clause of the Constitution to which I have referred. They cannot prescribe the terms or conditions upon which the vessels of any other country or of any State in the Union shall enter their navigable rivers or harbors. They can neither grant license, require registration, nor demand a manifest of the cargo—nothing whatsoever beyond inspection and quarantine, with a view to the execution of their municipal and health laws—a power expressly reserved to them by the Constitution. What, then, I ask, sir, can the States do in regard to maritime commerce with foreign nations or among themselves? Let us test their power by stating a case. Suppose, sir, the State of Maryland should undertake to order a vessel arriving from Havana or New Orleans at the port of Baltimore, out of the harbor; refuse to allow her to discharge cargo, or even land passengers; and this not with a view to inspection or quarantine, but in the exercise of a claim of absolute sovereignty over that harbor, being within her territorial limits: who, sir, will say that the requisition could be constitutionally enforced? Who will affirm that any such power exists in the State of Maryland, or any other State in the Union?

Again, sir: Have the States any power to erect light-houses, or interfere with their navigable harbors, as regulations of commerce with foreign nations, or among themselves? I do not mean as



connected with their exclusively internal commerce, for with that the General Government has nothing to do. The power over that commerce has been retained by the States respectively, and can undoubtedly be exercised more conveniently and beneficially by them. I speak, sir, of maritime external commerce with foreign nations, and commerce among the several States.

I will illustrate by an example. Suppose the State of Virginia should, confessedly as connected with foreign commerce, erect light-houses on the capes of the Chesapeake within her acknowledged territory, which, so far from diminishing, increased to the last degree the perils of that navigation: will any one doubt that, upon a representation to this Government, it would have a right to order their removal, and, if necessary, enforce it? Sir, take another case. Suppose the State of South Carolina, with a view to the improvement of the harbor of Charleston, and the better accommodation of its foreign commerce; or the State of Alabama, in order to improve the harbor of Mobile, should actually create bars at the entrance of those harbors which incommoded or obstructed the navigation: could not this Government cause their removal, arrest the progress of the work by those States, and restore the navigation as it previously existed? I assume, of course, in all these cases, that the States act *bona fide*, with the best intentions, and really design to benefit foreign commerce; but, in the opinion of the General Government, their works are injurious. In a conflict, then, who can doubt that the General Government would prevail? And why? Because, sir, the question does not depend upon the actually beneficial or injurious character of the work. That fact may be found either way as an immaterial issue. It is mere matter of opinion, but it depends upon a solution of the problem as to where the power over the matter rests. The Government which possesses the power to promote, or even to preserve, maritime commerce carried on between those harbors and foreign nations, or with other States, has, of necessity, and as involved in it, the right to prevent all obstructions of every kind to its prosecution and enjoyment: and that, sir, is the General Government. If this is not the case, how can this Government execute and enforce the requisition of the Constitution that it shall regulate this commerce? How preserve it from utter annihilation? For, if the States of South Carolina and Alabama possess such a power over their harbors, every other State in the Union has precisely the same power as to the harbors within its limits, and if exercised in the same manner, might sweep our whole maritime commerce from the ocean. Sir, it is no answer to the dangerous consequences of the doctrine of our honorable friends on the other side of this measure, to say that the States would never exert such a power; that may be granted; I trust they never would; but the question, Mr. Chairman, which I submit, is as to the existence of such a power in the States, and that is not dependent upon the extent to which it may be exerted. If it exist at all, the degree to which it may be exercised is purely discretionary. There cannot, then, be any such reservation of power by the States. And, sir, I have not selected those harbors because they are entered by our public vessels, in regard to which my honorable

friend from Alabama, [Mr. PAYNE,] takes a distinction, and admits the power; but I apply the same rule to any other harbor in the interior, where commerce with foreign nations and among the several States is carried on, but where the public ships never go; nay, where there is no foreign commerce, but only maritime commerce among the States.

Mr. Chairman, as to the question of the jurisdiction of this Government over the Mississippi, the Ohio, and other great rivers of the West, I assume it to be where the argument of the honorable gentleman from South Carolina [Mr. RHETT] placed it—upon common ground with whatever jurisdiction exists over the other navigable rivers and harbors of the country. And, sir, I desire no better footing for it. I care not whether a river flows through ten States, five States, or, like our harbors, is entirely within the territory of a single State; I insist that, for the purpose of regulating maritime commerce with foreign nations, and among the several States, the General Government has jurisdiction. Sir, this Government holds that power as a great public and national *easement*—the right of free and uninterrupted navigation for the commerce confided to its care and control by the Constitution. For the same purposes, in relation to the exclusively internal commerce of a State, that easement is in the States. It is an essential ingredient of the power given to regulate commerce; for as commerce with foreign nations and among the States can only be successfully prosecuted upon a free and unobstructed navigation, the power to preserve such freedom of the navigation is indispensable to the preservation of that commerce. This special jurisdiction, therefore, must exist in the General Government. It is true, sir, that a State may refuse to sell or cede a site for a light-house; but what power can prevent the General Government from erecting one on piers in the river or harbor? The fact of the location of the light-house being within the limits of a State, can make no difference; for having delegated the power to Congress to regulate commerce with foreign nations and among the several States, the right must exist to assume jurisdiction, and exert that power wherever any proper object of it may invite. Sir, were it otherwise, and this Government could not enter the navigable harbors of a State without stopping at its external boundary, knocking at the door of State sovereignty, and obtaining permission to enter, it would be utterly and palpably inadequate to execute the great trust in regard to commerce with which it is specifically charged by the Constitution.

Mr. Chairman, the States being, then, as I contend and hope I have shown, divested of all power over the subject, if it has not been conferred on the General Government, it has no existence anywhere. But, sir, the States could only be deprived of this power by investing the General Government with it. They possessed this attribute of sovereignty prior to the formation of the Federal Constitution, and upon its adoption reserved all powers not delegated. It therefore necessarily follows, as the States have not retained the power of adopting regulations required for the security and facility of maritime commerce carried on among them, or with foreign nations, that it must be lodged in the



General Government. No one can suppose that so important a power has been left in abeyance.

Mr. Chairman, I now propose to examine the ingenious argument of the honorable gentleman from Alabama, [Mr. PAYNE,] which, I have no hesitation in saying, condenses, in the most plausible manner, the whole ground of constitutional objection against the power to make the appropriations contemplated by this bill. We find it masked under abstract propositions that challenge our assent, and enforced by deductions, which, at first view, seem naturally to result from them, while the consequences to which he traces them are truly alarming, not only entering the interior of a State, but controlling the whole inland and domestic trade and intercourse of its citizens. It becomes us, then, sir, to look carefully to the honorable gentleman's *application* of the principles upon which his argument rests.

Mr. Chairman, after asserting that the advocates of this bill claimed the power to pass it under the clause of the Constitution "to regulate commerce with foreign nations," the honorable gentleman asked us what was meant by the words "to regulate commerce with foreign nations?" Could they, by any legitimate rule of construction, be made to open a river, dig a canal, or pave a road? If not, then they were not incident to the power to "regulate commerce with foreign nations." And why? Because, as the honorable gentleman tells us, "the power to regulate commerce with foreign nations is an *external* question, while to improve a river, make a road, or dig a canal, is an *internal* question." He said that he could not perceive "how the *one* was incident to the *other*—how a power conferred for an *external* object could be directed to an *internal* one."

Now, sir, I say to the gentleman that I do not rely exclusively for the constitutional authority to pass so much of the bill under consideration as makes appropriations for the improvement of our harbors, upon the words "to regulate commerce with foreign nations," and that, although they may not empower Congress to "dig a canal, or pave a road," yet they are sufficiently comprehensive to enable us to remove partial and temporary obstructions at the entrance of our harbors, whenever it may be deemed necessary to facilitate commerce with foreign nations. But, sir, let us recur to the reason giving by my honorable friend from Alabama against this construction; that the regulation of commerce with foreign nations is an *external* question—the *object* of the grant being *external*.

Mr. Chairman, it may be conceded, for the purposes of the gentleman's argument, that the power "to regulate commerce with foreign nations" was conferred upon Congress for the accomplishment of an *external* object, and yet I deny that the question is purely an *external* one. The *object* of the general power is one thing, while the *means* necessary for its attainment is quite another. What is the *object* of the general power? Intercourse and commerce with foreign nations. But is this commerce carried on only in the seas, bays, rivers, and harbors of foreign nations? And if it were so, what would Congress have to do with it? Can our laws operate beyond the territorial limits of the Union?—exert any binding force in foreign seas, bays, rivers, or harbors? No, sir; the only

authority to make provision for the regulation of our commerce with them is confided to another department of the Government, the *Executive*, with the concurrence of the *Senate*, and is the treaty-making power. If, then, the action of the power to regulate commerce with foreign nations is not here, "in our own country," and within the limits of any State, the entrance to the harbors of which are difficult and unsafe from partial and temporary obstructions, where, I ask, is its appropriate theatre? Has it any sphere of action whatever? While, therefore, I may very well admit that the *object* to be accomplished, by the general power "to regulate commerce with foreign nations," is *external*, yet the place of action of the particular powers, where the means adapted to its accomplishment must be used, and by which alone the purposes of the power can be gratified, is *internal*. Mr. Chairman, the error in the argument of my honorable friend—I say it with the utmost deference to his superior powers and more enlarged experience—arises, it seems to me, from confounding the *place of action* of the power, where the means may be employed, with the *object* to be accomplished. He denies that power conferred for an *external* object can be directed to the attainment of an *internal* one; thus ascribing all means to which the Government may have recourse for improving the navigation and thereby facilitating maritime commerce, to objects which are *external*.

But, sir, this is not the case. I would not controvert the gentleman's proposition, that power conferred for *external* could not be directed to *internal* objects, and yet the question is still open, as to whether a particular improvement of a harbor undertaken by the Government is for *internal* or *external* purposes. The fact that the harbor was within the limits of a single State could not in any manner affect the question. If commerce with foreign nations is carried on in that harbor, or if it be desirable, in a national point of view, that it should be carried on there, and the improvement is made to afford it greater safety or facility, the *object*, according to my honorable friend's own definition, would clearly be *external*. It hence results that the fact of the locality of the harbor in which the improvement is made cannot determine the *object* whether *internal* or *external*; and so far as it indicates either, I insist, that if the harbor is one in which commerce with foreign nations is carried on, we are bound to infer that the *object* of the Government is to promote that commerce.

And, Mr. Chairman, as my honorable friends from Alabama seem partial to the expositions of the powers of this Government contained in those articles of the Federalist written by Mr. Madison, I will read a few lines from the 44th number of that work which lucidly explains the error in the argument of my friend, [Mr. PAYNE.] Mr. Madison in that article says: "In every new application of 'a general power, the *particular powers*, which are 'the means of attaining the *object* of the general power, must always necessarily vary with that 'object, and be often properly varied whilst the 'object remains the same!" Here, then, is the authority of my friends on the other side of the question, for the distinction I have urged. The regulation of foreign commerce is a general power and its *object* confessedly *external*; the particular pow-



ers, in this instance, to remove temporary obstructions at the entrance of our harbors, often vary, always necessarily with every new application of the power, while the *object remains the same*. So that, if the provisions of this bill contemplated a new application of the general power conferred on us by the Constitution in relation to this subject, instead of a familiar and ordinary one, it would not follow that the object of the general power had been perverted. I therefore submit, sir, that under those words in the Constitution we have the authority to remove partial and temporary obstructions to the entrance of our harbors, where maritime commerce is carried on, whenever necessary for its greater security and more successful prosecution.

But, Mr. Chairman, as the attention of the committee has been directed by the honorable gentleman from Alabama, [Mr. PAYNE,] to the OLD CONFEDERATION, I beg to make a remark upon the subject.

I admit, sir, that the utter inefficiency of the CONFEDERATION was not so deeply felt, or so generally acknowledged in relation to any one subject, as that which concerned the regulation of commerce; not only the want of a uniform rate of imposts throughout all the States, but a *general commercial system* which should afford all those facilities so much needed for its growth and expansion. And the convention, being sensible that these important ends could only be attained by vesting the whole power over the subject in a single depository, where it would be exerted for the general benefit, drafted the 3d clause, 8th section, 1st article of the present Constitution. This clause clothed the General Government with all power of regulating maritime commerce with foreign nations and among the several States, which was then possessed by the States in their separate sovereign capacities. What, then, sir, was the nature of that power? It was supreme, absolute sovereignty over the subject, and under which the States had already, and to the extent of their separate slender means, afforded all the facilities they could to commerce, by the erection of piers, buoys, beacons, and light-houses. The grant, then being, of a power perfect as to the objects it embraced—excluding all reservation of right on the part of the States to participate in its exercise—must, I insist, sir, have conferred on the General Government complete, supreme power over the commerce to be regulated; and as a constituent part of such a power, the right to afford those facilities necessary for its security and protection.

For what purpose, then, Mr. Chairman, was this power conferred on the General Government, let me ask, as the honorable gentleman from Alabama [Mr. PAYNE] has? What was the object and design of the States that made the grant? Was it merely to enable Congress, as that honorable gentleman supposes, “to prescribe the rules by which the interchange of commodities between the several States and foreign nations should be regulated?” I think not, sir. I believe that the States not only intended the General Government to do what the gentleman supposes, but also to exercise a general superintendence over the whole subject, as they did before surrendering the power; to adopt measures for the security and promotion of maritime commerce, as well that prosecuted

among the several States, as with foreign nations; and with that view, make appropriations from the general treasury for the improvement or preservation of harbors indispensable or necessary to relieve its urgent general wants. This, Mr. Chairman, was an object of deep concern to the States then actively engaged in commerce, and when they surrendered the power to this Government, knowing that it would soon be able to command ample means, they must have expected that it would employ some of them to advance, foster, and cherish their maritime commerce, then in its infancy, but anxiously and confidently looked to as one of the prolific sources of the future prosperity, power, and greatness of the Republic. And, sir, I refer my honorable friend [Mr. PAYNE] to the conduct of the States, while they retained the power, in affording all the facilities to this commerce which their limited means and prostrate credit would allow, and which speaks a language that cannot be misunderstood. Why, sir, what motive could have existed at the moment of the transfer of this power from the States to the Federal Government, for circumscribing its ordinary and accustomed range—especially in regard to objects clearly indicated by the States as proper, expedient, and necessary? There could have been none. Hence, soon after the adoption of the Constitution, we find Congress asserting and exercising this power by taking possession of the piers, buoys, beacons, and light-houses, previously erected and owned by the States; and from time to time since then directing the construction of others.

Mr. Chairman, in reply to that part of the argument of the honorable chairman of the committee that reported this bill, [Mr. McCLELLAND,] who pressed with so much force the act of Congress of 1789, the honorable gentleman from South Carolina [Mr. RHETT] admits “that our light-house system does afford some apparent justification to appropriations for other purposes than harbors.” But he denies that light-houses were ever designed to become a general charge upon the treasury; and as evidence of this he refers to the “tonnage duties and light money” imposed and exacted for the purpose of supporting light-houses; and cites part of a report made to this House in 1796, by the Committee on Commerce and Manufactures, upon a petition for indemnity for the loss of a ship off the harbor of *Newburyport*, owing to the then recent destruction of the light-house. Having, thus, sir, established that the tonnage duties and light-money exactions were intended to reimburse the treasury for advances in support of light-houses, the honorable gentleman asks, as if the argument against the power of Congress was conclusive, “does the bill before us lay any tonnage duties to reimburse the treasury for the expense of making the harbors it proposes?” Now, by way of testing the argument, I would like to ask the honorable gentleman, if this bill did impose tonnage duties to improve these harbors, whether he would then vote for it? If so, it appears to me that he would, upon his own hypothesis, exercise a power unauthorized by the Constitution. Sir, how does the imposition of tonnage duties, to defray the expenses of the light-house system, affect the question as to the power of the General Government to erect light-houses? So far from the imposition of such du-



ties furnishing evidence on which to hang even a doubt as to the power, it is an additional proof that Congress deemed their authority perfect. It is a double exertion of the power. Why, sir, if we have no power to build light-houses, who will contend that we can impose any tax to defray the expense of keeping them up? Can Congress levy a tax to support any object not under the control of this Government? Can you appropriate money for any purpose, in regard to which you have no constitutional power to legislate? If this were so, you might levy a tax to make these harbor improvements, although you had no authority or jurisdiction over them, or the maritime commerce carried on from them with foreign nations, or among the States. You could levy an impost, by toll or otherwise, to defray the expense of keeping up any canal, turnpike, or railroad in the country, while you could neither construct one nor exercise any control over it.

I therefore submit, sir, that the tonnage duties and light-money exactions, levied to reimburse the treasury for advances to support light-houses, reaffirms, in the opinion of the Congress that passed those acts, the existence of a power in the General Government over the subject.

But, Mr. Chairman, it was as evidence of the existence of a power in the General Government to erect light-houses, build piers, and grant similar facilities to maritime commerce with foreign nations and among the several States, that my friend from Michigan [Mr. McCLELLAND] cited the act of 1789, and not merely to show that the money expended on those objects was drawn from the general funds of the Government in the treasury. But whether such was his intention or not, I shall use it for that purpose; for I maintain, sir, that it is wholly unimportant for the purposes of the argument based on the act of Congress of 1789, how or where the funds were obtained which were applied to the support of these objects; whether furnished by the States, or by the private contributions of citizens engaged in commerce. The fact of the *acceptance* by Congress in the act of 1789, of the transfer made by the States of their light-houses, piers, buoys, and beacons, was itself an exercise of power by the General Government over the subject. And whence, sir, was that power derived? Where is it to be found? In the Constitution only; it can exist nowhere else. For although a State, or any number of the States, might execute a grant of their light-houses, piers, buoys, and beacons, to the General Government, it would be wholly inoperative, unless the General Government had the authority under the Constitution to *accept*. It will not be pretended that the grant itself could confer any power of *acceptance*; for no State can invest the General Government with any power, nor can any number of the States, unless by an amendment of the Constitution. The power, therefore, must have been conferred on Congress by the Constitution; or the act of 1789, accepting the cessions made or to be made by the States of their light-houses, piers, buoys, and beacons, was unauthorized and void. And yet, sir, who will deny our title to these acquisitions, or to others subsequently constructed, upon which this Government has expended millions of dollars? Who will introduce a bill for their retrocession to the several States, within

the respective limits of which they are situated, upon the ground that the action of Congress upon this subject, extending over a period of fifty-six years, has been a continuous usurpation?

Mr. Chairman, the grant in the Constitution "to regulate commerce with foreign nations and among the several States," confers upon Congress precisely the same power in character and degree over each of those descriptions of commerce; it is conveyed in identically the same terms; for by the structure of the sentence the words "to regulate" are equally applicable to "commerce among the several States" as to "commerce with foreign nations." No ingenuity can suggest any distinction. Whatever, then, we can constitutionally do for one of these objects, we may for the other, if deemed expedient and necessary. So that if the Government can protect and encourage foreign commerce without transcending its constitutional power, it may afford the same measure of protection and encouragement to commerce among the several States. No just or sound rule of construction can enlarge our powers in this respect for the advantage of foreign commerce, and narrow or restrain them as to commerce among the several States. And, Mr. Chairman, it was with this view that I have endeavored to demonstrate the authority of Congress to make appropriations to improve our harbors for the safety and facility of foreign commerce; because I thence deduce a like power applicable to commerce among the several States. My honorable friend from Alabama [Mr. YANCEY] will now perceive the answer to his question. I do not claim, sir, the power to improve the harbor at Havre de Grace, under the authority to regulate foreign commerce, but use the analogy found in the exercise of that power by the improvement of harbors where foreign commerce floats, as evidence of the existence of a similar power, under the Constitution, which is applicable to the improvement of harbors where maritime commerce is carried on among the several States. And this, sir, I trust I have not wholly failed to establish.

I propose, then, Mr. Chairman, to close my remarks, by briefly recurring to one other evidence of the exercise of the power to facilitate and encourage foreign commerce.

Sir, what is this Government doing every year for the benefit and advancement of our foreign commerce? In the depth of winter, when the mountain waves are madly bursting on the shore, your revenue vessels are ordered to cruise along the bleak coast of the Atlantic, to afford relief and protection to this commerce. The Government vessels exposed, the time of its officers consumed, its means expended, and this, not merely to rescue the stranded mariner and seaman, clinging to some desolate and dangerous reef, or lashed to parts of the wreck, drifting on the wide deep sea, an object well worthy the treasure of the nation, but to secure and preserve the merchandise of the opulent importer or corporate underwriter.

And whence, Mr. Chairman, is the power derived to send the public ships and squadrons to foreign stations—into the Pacific to protect our whale fishery, to cruise among the West Indies, in the Mediterranean, the East Indies—indeed, everywhere upon the open, unbounded sea, for the protection and extension of our foreign commerce



—cruises by our ships and squadrons that sometimes cost as much in a single year as the sum total of the appropriations made by the bill under consideration?—an expenditure made for the avowed purposes of not only affording proper and necessary security, but for extending our foreign commerce, already reaching into every sea, and bringing us the products of every continent and isle. That this is the proper and appropriate employment of our navy no one will question. Then, sir, as the constitutional competency of the Government to use the public property and officers, and incur heavy expenditures in this way for one of the objects enumerated in the grant is not denied, the question is surrendered; for it must be regarded as a virtual concession of the constitutional power of Congress to appropriate money for the security and facility of the other object, which is maritime commerce among the several States. We consequently have the power necessary to authorize the construction of a breakwater,

the erection of light-houses, the planting or sinking of piers, buoys, beacons, and removal of partial and temporary obstructions in our navigable rivers and harbors below ports of entry, when required for the safety and facility of maritime commerce among the several States.

I have thus, Mr. Chairman, presented to the committee the subject of the amendment which I desire to have incorporated into the bill under consideration; and having shown, I hope satisfactorily, that we possess constitutional authority to make these appropriations, I must leave the subject, with the expression of an earnest wish that the majority of the committee will neither surrender nor refuse to exert this most necessary and important power; one which I cannot but regard as no less conducive to the highest interests and enduring prosperity of the country than to the permanence of the union of the States, the earliest, latest, and most cherished object of patriotic devotion.



